

**MCS Equities, Inc. and Local 32E, SEIU, AFL-CIO.** Case AO-336

June 20, 1996

## ADVISORY OPINION

BY CHAIRMAN GOULD AND MEMBERS BROWNING  
AND COHEN

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on May 17, 1996, MCS Equities, Inc. (the Employer) filed a Petition for Advisory Opinion as to whether the Board would assert jurisdiction over its operations. In pertinent part, the petition alleges as follows:

1. Proceedings, involving the subject building at 2-12 Broadway and 531 W. 211 Street, New York, New York, Cases SU-59101 and SU-59102, are currently pending before the New York State Employment Relations Board (State Board).

2. The Employer is engaged in the real estate business. The Employer manages and controls the residential premises located at 2-12 Broadway Terrace and 531 West 211 Street, New York, New York, which generates annual income in excess of \$498,977. In addition, the Employer manages and controls a number of residential premises located in New York, New York, including 130 West 228 Street, New York, New York, which generates in excess of \$338,988. The Employer's combined annual income from residential premises exceeds \$837,965. The Employer's out-of-state oil purchases exceed \$70,000 annually.

3. The Employer is unaware whether the Union admits or denies the aforesaid commerce data, and the

State Board has not made any findings with respect thereto.

4. There are no representation or unfair labor practice proceedings involving the Employer pending before the Board.

Although all parties were served with a copy of the petition for Advisory Opinion, no response was filed.

Having duly considered the matter,<sup>1</sup> the Board is of the opinion that it would assert jurisdiction over the Employer. The Board has a longstanding practice of aggregating gross revenues derived from all the buildings managed by an employer of this type. Here, the petition alleges that the gross rental revenues derived from the apartments managed by the Employer are in excess of \$837,965, and the Employer has annual out-of-state oil purchases in excess of \$70,000. Thus, as the total annual gross dollar volume of business of all the residential apartment buildings managed by the Employer exceeds the \$500,000 annual gross rentals discretionary standard established by the Board for residential apartments, and as it is clear that the Employer's operations fall within the Board's statutory jurisdiction, we would assert jurisdiction over the Employer's operations.<sup>2</sup>

Accordingly, the parties are advised that, based on the foregoing allegations and assumptions, the Board would assert jurisdiction over the Employer.

<sup>1</sup>The Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup>*Mandel Management Co.*, 229 NLRB 1121 (1977). In finding that the Employer's aggregated gross revenues satisfy the Board's discretionary standard, we have assumed that the Employer is a single employer with respect to the operations described above.